

**POWER OF ATTORNEY BY ASSIGNEE**

(Not Accompanying Application)

The undersigned assignee of the entire interest in application for letters patent entitled: \_\_\_\_\_

Fuel cell assembly

\_\_\_\_\_ and having the named inventors Donald JAFFREY and Karl FOGER

\_\_\_\_\_, Serial No. Not Yet Known, filed on or about the 28 day of March, 2002 hereby appoints the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith; said appointment to be to the exclusion of the inventor(s) and his (their) attorney(s) in accordance with the provisions of 37 C.F.R. 1.32:

Harold C. Hohbach, Reg. No. 17,757; Aldo J. Test, Reg. No. 18,048; Donald N. MacIntosh, Reg. No. 20,316; Edward S. Wright, Reg. No. 24,903; David J. Brezner, Reg. No. 24,774; Robert B. Chickering, Reg. No. 24,286; Richard F. Trecartin, Reg. No. 31,801; Steven F. Caserza, Reg. No. 29,780; Edward N. Bachand, Reg. No. 37,085; R. Michael Ananian, Reg. No. 35,050; Robin M. Silva, Reg. No. 38,304; Michael A. Kaufman, Reg. No. 32,988; Maria S. Swiatek, Reg. No. 37,244; Todd A. Lorenz, Reg. No. 39,754; Karen S. Smith, Reg. No. 31,426; Robert H. Pinsker, Reg. No. 42,078; Steven M. Freeland, Reg. No. 42,555; Larry Mendenhall, Reg. No. 38,555; Diane J. Mason, Reg. No. 43,777; William E. Nuttle, Reg. No. 42,943; James J. Diehl, Reg. No. 47,527; Renée M. Kossiak, Reg. No. 47,717; Brian T. Clarke, Reg. No. 45,552; Anne M. Shyjan, Reg. No. 47,086; David C. Foster, Reg. No. 44,685; and Victor E. Johnson, Reg. No. 41,546; provided that if any one of said attorneys ceases being affiliated with the law firm of FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP as partner, employee or of counsel, such attorney's appointment as attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

In accordance with 37 CFR 3.73 the assignee hereby certifies that the evidentiary documents with respect to its ownership have been reviewed and that, to the best of assignee's knowledge and belief, title is in the assignee seeking to take this action.

Direct all telephone calls to Michael A. Kaufman at (415) 781-1989.

Address all correspondence to:

**FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP**

Four Embarcadero Center - Suite 3400

San Francisco, California 94111-4187

Assignee: CERAMIC FUEL CELLS LIMITED

By: Robert Bruce Godfrey  
(typed name)

Signature: R B Godfrey

Title: Managing Director

Address: 170 Browns Road  
Noble Park 3174  
AUSTRALIA

Date: 13 May 2002

File No. A-71428/DJB/MAK

ASSIGNMENT

WHEREAS, I/WE

(1) **Donald JAFFREY**, an Australian citizen of 2 Bonnieview Road, Mount Dandenong, Victoria 3767, Australia;

(2) **Karl FOGER**, an Australian citizen of 2 Macartney Avenue, Kew, Victoria 3101, Australia

hereinafter referred to as Assignor (collectively if more than one inventor is listed above), have invented certain new and useful improvements in (TITLE) **Fuel cell assembly**

the specification of which:

- (a) ☐ was executed on even date herewith;
- (b) ☒ was filed on 28 March 2002 as ☐ Application No. \_\_\_\_\_ or  
☒ Express Mail No., as Application No. not yet known EK916 811 686 and was  
amended on 28 March 2002 (if applicable); or
- (c) ☐ was described and claimed in PCT International Application No. \_\_\_\_\_  
filed on \_\_\_\_\_  
and as amended under PCT Article 19 on \_\_\_\_\_ (if any) and/or under PCT Article 34 on \_\_\_\_\_  
\_\_\_\_\_ (if any).

AND WHEREAS,

**CERAMIC FUEL CELLS LIMITED**, of 170 Browns Road, Noble Park, Victoria 3174, Australia

(hereinafter referred to as Assignee) desires to acquire the entire rights, title, and interest in and to the said improvements with respect to the United States of America, its territories and possessions.

NOW, THEREFOR, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor hereby acknowledges that it has sold, assigned, transferred and set over, and by these presents does hereby sell, assign, transfer and set over, unto Assignee, its successors, legal representatives and assigns, the entire right, title, and interest in the United States of America, and its territories and possessions in, to and under said improvements, and any Patent Applications in the United States of America and all divisions, renewals and continuations thereof, and all Patents of the United States of America which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions; and Assignor hereby authorizes and requests the Commissioner of Patents of the United States of America to issue all Patents for said improvements to Assignee, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND ASSIGNOR HEREBY covenants and agrees that it will communicate to Assignee, its successors, legal representatives and assigns, any facts known to it respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid Assignee, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in the United States of America.

IN TESTIMONY WHEREOF, Assignor intending to be legally bound has hereunto affixed its signature.

US  
PATENT

This × seventh day of × May, 2002

× D. Jaffrey  
Signature of **Donald JAFFREY**

× B. K. J.  
Witness

This × tenth day of × May, 2002

× Karl Foger  
Signature of **Karl FOGER**

× [Signature]  
Witness